



Journal of the House

State of Indiana

114th General Assembly

First Regular Session

Forty-third Meeting Day

Wednesday Morning

April 13, 2005

The House convened at 10:00 a.m. with the Speaker in the Chair.

The invocation was offered by Pastor Shan Rutherford, Christian Church, Greenwood, the guest of Representative Woody Burton.

The Pledge of Allegiance to the Flag was led by Representative Burton.

The Speaker ordered the roll of the House to be called:

T. Adams ☐	Klinker
Aguilera	Koch
Alderman ☐	Kromkowski
Austin ☐	Kuzman
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Bauer	J. Lutz
Becker	Mahern
Behning	Mays
Bischoff	McClain
Borders	Messer
Borror	Micon
Bottorff ☐	Moses ☐
Bright	Murphy
C. Brown	Neese
T. Brown ☐	Noe
Buck	Orentlicher
Budak	Oxley
Buell	Pelath
Burton	Pflum
Cheney	Pierce
Cherry	Pond
Cochran	Porter ☐
Crawford	Reske
Crooks	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Epich	Stutzman
Foley ☐	Summers ☐
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin ☐	Turner
Grubb ☐	Ulmer
Gutwein	VanHaaften
E. Harris	Walorski
T. Harris	Welch
Heim	Whetstone
Hinkle	Wolkins
Hoffman	Woodruff
Hoy	Yount
Kersey	Mr. Speaker

Roll Call 516: 90 present; 10 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 139 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Meeks, Chair; and Craycraft

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 181 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Gard, Chair; and Lanane

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 282 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Long, Chair; and Broden

Advisors: Heinold and Lanane

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 452 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Kenley, Chair; and Mrvan

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 496 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Kenley, Chair; and Simpson

Advisors: Lubbers and Hume

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 607 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with

a like committee of the House on said bill, and to report thereon:
Conferees: Meeks, Chair; and Craycraft

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 15, 77, 244, 306, 483, 518, 557, and 619.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 266, 308, 372, 482, and 512 for signature.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 42 and 43 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 57 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 41

Representative Dobis introduced House Concurrent Resolution 41:

A CONCURRENT RESOLUTION congratulating the members of the Andrean High School football team on their victory in the 2004 Indiana Class 3A state football championship game.

Whereas, With a 21 to 14 victory over unbeaten Heritage Hills, the Andrean High School 59ers became the 2004 Indiana High School Athletic Association Class 3A football champions;

Whereas, The 59ers are not strangers to the championship, having been in the final game three time before, in 1997, 2001, and 2002;

Whereas, Those games had ended in defeat;

Whereas, The fourth trip to the championship would be different, with the team members and coaches determined to bring the trophy home to Andrean High School;

Whereas, Quarterback Tommy Finn, who set the state's single season record for passing yardage with 3,380 yards, quickly took charge of the game, passing for one touchdown and running for two more;

Whereas, Tommy Finn, the third of three Finn quarterbacks, guided the team to victory with 265 of the team's 321 total yards;

Whereas, In the first half, Tommy Finn connected with four different receivers, Ty Harangody, Jake Kocal, Juaquin Rodriquez, and Chris Skinner, for 117 yards;

Whereas, Ty Harangody, senior tight end, knows better than any other player the agony of defeat and the elation of victory; he has been to three title games, the final one ending in a championship;

Whereas, This year's victory was a total team effort, with each member of the team contributing an essential element to the team's success; and

Whereas, Through dedication, hard work, and comradery, the outstanding athletes and dedicated coaches of the Andrean High School 59ers have accomplished their long standing goal of bringing a championship trophy back to Andrean High School: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the members of the Indiana General Assembly wish to congratulate the members of the Andrean High School football team for their outstanding effort in winning the 2004 Indiana High School Athletic Association Class 3A football championship and to wish them well in their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the Andrean High School football team and to their coaches, managers, principal, and superintendent.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Antich-Carr.

House Concurrent Resolution 44

Representative Summers introduced House Concurrent Resolution 44:

A CONCURRENT RESOLUTION honoring Alpha Kappa Alpha, Inc.

Whereas, Alpha Kappa Alpha, Inc., is the oldest community service sorority for African American women in the world;

Whereas, Alpha Kappa Alpha, Inc., is a 170,000 member service organization with 950 chapters throughout the United States, the Caribbean, Germany, Korea, West Africa, England, and Japan;

Whereas, Alpha Kappa Alpha Sorority, Inc., was founded on the campus of Howard University in Washington, D.C., in 1908;

Whereas, Alpha Kappa Alpha, Inc., continues to serve communities throughout the country, focusing on programs to promote family, health, economic development, education, and the arts;

Whereas, The Alpha Mu Omega chapter of Alpha Kappa Alpha Sorority, Inc., has made numerous contributions to Indianapolis for over 75 years; and

Whereas, Alpha Kappa Alpha, Inc., will be hosting its 71st Annual Central Regional Conference in Indianapolis, April 7 through 10, 2005, at the Downtown Marriott Hotel: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly applauds the accomplishments of Alpha Kappa Alpha Sorority, Inc., and the Alpha Mu Omega chapter in their efforts in making this conference a major success.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Alpha Kappa Alpha, Inc., and the Alpha Mu Omega chapter of Alpha Kappa Alpha, Inc.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Breaux.

Senate Concurrent Resolution 57

The Speaker handed down Senate Concurrent Resolution 57, sponsored by Representatives Borror and Moses:

A CONCURRENT RESOLUTION congratulating Lincoln Financial Group on its 100th anniversary celebration.

Whereas, In 1905, a group of Fort Wayne business leaders, including bankers, attorneys, wholesalers, hoteliers, manufacturers, physicians, and brokers, came together to create a life insurance company built upon the principles of dependability and honesty;

Whereas, These business leaders were given permission by Robert Todd Lincoln, the grandson of the nation's greatest leader, Abraham Lincoln, to use the Lincoln namesake and formed The Lincoln National Life Insurance Company with the motto, "Its name indicates its character";

Whereas, Today, Lincoln Financial Group, which is the marketing name of Lincoln National Corporation and its affiliated companies, including the Lincoln National Life Insurance Company, is a national financial services leader. Through its wealth accumulation and protection businesses, the Lincoln Financial Group provides annuities, life insurance, 401(k) and other employer-sponsored retirement plans, 529 college savings plans, mutual funds, managed accounts, institutional investment management, and financial planning and advisory services with nearly \$116 billion in consolidated assets and annual consolidated revenues of \$5.4 billion in 2004;

Whereas, Lincoln Financial Group, with currently over 1,500 employees in its Fort Wayne operations, continues to be a vital part of the Indiana business community and economy;

Whereas, The company sets aside 2% of its pre-tax earnings to The Lincoln Financial Group Foundation, established in Fort Wayne in 1962, to support charitable contributions in the communities where the company maintains strong business presence;

Whereas, Over the past 30 years the Lincoln Financial Group Foundation has given over \$70 million in charitable contributions in Indiana; and

Whereas, In just the past five years, the Lincoln Financial Group family of companies has continued its longstanding commitment to enhancing the quality of life for the citizens of Allen County and the surrounding community with contributions totaling over \$19 million. This includes the recent bestowal of \$1 million through major gifts to Headwaters Park and Junior Achievement in honor of the company's 100th Anniversary Celebration: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates Lincoln Financial Group on the 100th anniversary of The Lincoln National Life Insurance Company, an Indiana domiciled company. Lincoln Financial Group has grown to be a recognized leader in providing quality wealth accumulation and financial protection planning, products, and services to individuals, families, and businesses throughout the United States.

SECTION 2. That the Indiana General Assembly commends Lincoln Financial Group for recognizing since the founding in 1905 of The Lincoln National Life Insurance Company that good corporate citizenship is intrinsic to its success. The company's spirit of philanthropy led to the establishment of the Lincoln Financial Group Foundation in 1962 and inspired a rich tradition of giving over the past 40 years.

SECTION 3. That the Indiana General Assembly commends the employees of Lincoln Financial Group for their professionalism and recognized service to the communities in which they live, including a long and rich tradition of service on community boards and groups.

SECTION 4. That the Indiana General Assembly wishes Lincoln Financial Group continued success and growth.

SECTION 5. The Secretary of the Senate is hereby directed to transmit copies of this resolution to the Lincoln National Corporation Board of Directors; Jon A. Boscia, President and CEO of Lincoln National Corporation; Sandra Kemmish, Program Officer, Lincoln Financial Group Foundation; and Jim Atterholt, Commissioner, Indiana Department of Insurance.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:45 p.m. with the Speaker in the Chair.

Representatives Porter and Summers, who had been excused, were present.

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 2, 77, 244, 306, 332, 417, 483, 518, 557, and 619 for signature.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 8 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Ford, Chair; and Broden

Advisors: Zakas and Craycraft

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 54 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Riegsecker, Chair; and Howard

Advisors: Steele and Lanane

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 127 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Riegsecker, Chair; and Sipes

Advisors: Lubbers and Rogers

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 224 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Miller, Chair; and Breaux

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 268 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Miller, Chair; and Craycraft

Advisors: Clark and Mrvan

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 295 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Steele, Chair; and Lanane

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 360 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Miller, Chair; and Lewis
Advisors: Mishler and Craycraft

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 414 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Ford, Chair; and Hume

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 420 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: C. Lawson, Chair; and Craycraft
Advisors: Drozda and Breaux

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 493 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Ford, Chair; and Mrvan

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 41 and 44 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1001 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

ESPICH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1083 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

MURPHY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1098 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

MESSER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1137 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

MURPHY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1182 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

LEONARD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1501 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

YOUNT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1646 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

RIPLEY

Motion prevailed.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1262.

KUZMAN

Roll Call 517: yeas 57, nays 32. Motion prevailed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1033	Conferees: Heim and Hoy Advisors: Wolkins and Grubb
EHB 1057	Conferees: Duncan and Pelath Advisors: Stutzman and Bischoff
EHB 1059	Conferees: Wolkins and Grubb Advisor: T. Brown
EHB 1063	Conferees: Wolkins and E. Harris Advisors: Foley and Bottorff
EHB 1098	Conferees: Messer and C. Brown Advisors: T. Brown and Micon
EHB 1120	Conferees: Espich and Bauer Advisors: Ayres, Turner, Kersey, and Avery

EHB 1135 Conferees: Heim and Pelath
 Advisors: T. Harris and Austin
 EHB 1141 Conferees: T. Brown and Kuzman
 Advisor: J. Smith
 EHB 1142 Conferees: T. Brown and Fry
 Advisors: Saunders and Hoy
 EHB 1159 Conferees: J. Smith and Summers
 Advisor: Ruppel

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 1 Conferees: Turner and Kersey
 Advisors: Borrer, Kuzman, and Welch
 ESB 18 Conferees: Foley and VanHaaften
 Advisors: Walorski and Tincher
 ESB 30 Conferees: McClain and C. Brown
 Advisors: T. Brown and Stevenson
 ESB 49 Conferees: Koch and Moses
 Advisors: Walorski and Micon
 ESB 79 Conferees: Duncan and Goodin
 Advisors: Wolkins and Oxley
 ESB 100 Conferees: Espich and Crawford
 Advisors: Buell and GiaQuinta
 ESB 106 Conferees: Torr and V. Smith
 Advisor: Noe
 ESB 132 Conferees: Borders and Kuzman
 Advisors: Foley and Welch
 ESB 139 Conferees: Alderman and C. Brown
 Advisor: Leonard
 ESB 171 Conferees: Friend and Bardon
 Advisors: Dodge and L. Lawson
 ESB 196 Conferees: Alderman and Crooks
 Advisor: Stutzman
 ESB 201 Conferees: Ruppel and Tincher
 Advisors: Dodge and Aguilera
 ESB 202 Conferees: Buell and Avery
 Advisors: McClain and Welch
 ESB 206 Conferees: Lehe and Reske
 Advisors: Frizzell and Oxley
 ESB 213 Conferees: Walorski and Aguilera
 Advisors: Friend, Neese, and Stevenson
 ESB 217 Conferees: Wolkins and Austin
 Advisors: Stutzman and Pelath
 ESB 218 Conferees: Whetstone and Kuzman
 Advisors: Ulmer and Bischoff
 ESB 227 Conferees: Buell and Pflum
 Advisors: Davis and Mays
 ESB 242 Conferees: Messer and Mahern
 Advisors: Buck and Stilwell
 ESB 279 Conferees: Wolkins and Micon
 Advisors: J. Lutz and Mahern
 ESB 298 Conferees: Hinkle and Pelath
 Advisors: Koch, Wolkins, and Denbo
 ESB 304 Conferees: Alderman and Reske
 Advisors: Buell and Pierce

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 200 because it conflicts with HEA 1288-2005 without properly recognizing the existence of HEA 1288-2005, has had Engrossed Senate Bill 200 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 200

be corrected as follows:

Page 9, line 4, delete "tenth" and insert "**twenty-fifth**".
 (Reference is to ESB 200 as reprinted April 6, 2005.)

WHETSTONE, Chair
 PELATH, R.M.M.
 BEHNING, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 209 because it conflicts with HEA 1288-2005 without properly recognizing the existence of HEA 1288-2005, has had Engrossed Senate Bill 209 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 209 be corrected as follows:

Page 28, delete lines 20 through 36.
 Renumber all SECTIONS consecutively.

(Reference is to ESB 209 as printed March 18, 2005.)

WHETSTONE, Chair
 PELATH, R.M.M.
 HINKLE, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 285 because it conflicts with HEA 1288-2005 without properly recognizing the existence of HEA 1288-2005, has had Engrossed Senate Bill 285 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 285 be corrected as follows:

Page 4, after line 12, begin a new paragraph and insert:

"SECTION 6. IC 20-33-8-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 0.2. As used in this chapter, "bullying" means overt, repeated acts or gestures, including:**

- (1) verbal or written communications transmitted;
- (2) physical acts committed; or
- (3) any other behaviors committed;

by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other student.

SECTION 7. IC 20-33-8-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 13.5. (a) Discipline rules adopted by the governing body of a school corporation under section 12 of this chapter must:**

- (1) prohibit bullying; and
- (2) include provisions concerning education, parental involvement, reporting, investigation, and intervention.

(b) The discipline rules described in subsection (a) must apply when a student is:

- (1) on school grounds immediately before or during school hours, immediately after school hours, or at any other time when the school is being used by a school group;
- (2) off school grounds at a school activity, function, or event;
- (3) traveling to or from school or a school activity, function, or event; or
- (4) using property or equipment provided by the school.

(c) This section may not be construed to give rise to a cause of action against a person or school corporation based on an allegation of noncompliance with this section. Noncompliance with this section may not be used as evidence against a school corporation in a cause of action."

(Reference is to ESB 285 as printed March 18, 2005.)

WHETSTONE, Chair
 PELATH, R.M.M.
 BEHNING, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 598 because it conflicts with HEA 1288-2005 without properly recognizing the existence of HEA 1288-2005, has had Engrossed Senate Bill 598 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 598 be corrected as follows:

Page 8, line 14, after "Provide" insert "**solely**".
(Reference is to ESB 598 as printed March 29, 2005.)

WHETSTONE, Chair
PELATH, R.M.M.
BEHNING, Sponsor

Report adopted.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 6:25 p.m. with the Speaker in the Chair.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1001	Conferees:	Espich and Crawford
	Advisors:	Buell, Turner, Thompson, Cochran, Avery, and Klinker
EHB 1083	Conferees:	Murphy and Crawford
	Advisors:	Noe and Day
EHB 1137	Conferees:	Murphy and Reske
	Advisors:	Buck and Pelath
EHB 1182	Conferees:	Leonard and Moses
	Advisors:	Turner and Avery
EHB 1501	Conferees:	Yount and Kuzman
	Advisors:	Bosma and Bardon
EHB 1646	Conferees:	Ripley and Fry
	Advisors:	Borders and Klinker

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 54	Conferees:	Walorski and L. Lawson
	Advisors:	Foley, Orentlicher, and Kuzman
ESB 127	Conferees:	Torr and Crooks
	Advisors:	Borrer and C. Brown
ESB 181	Conferees:	Wolkins and Hoy
	Advisors:	Dodge and E. Harris
ESB 268	Conferees:	T. Brown and C. Brown
	Advisors:	T. Harris and Reske
ESB 295	Conferees:	Foley and Pierce
	Advisors:	T. Harris and Klinker

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On April 13, 2005, I signed into law House Enrolled Act 1183 and Senate Enrolled Acts 193, 225, 453, and 572.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 13, 125, 179, 223, 296, 373, 376, 442, 472, 487, 503, 523, 527, 566, 568, 569, 611, 612, 626, and 634.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 296.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 598.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Alderman, Ayres, Becker, Behning, Borders, Borrer, Bosma, Bright, T. Brown, Buck, Budak, Buell, Burton, Cherry, Dodge, Duncan, Espich, Foley, Friend, Frizzell, Gutwein, T. Harris, Heim, Hinkle, Hoffman, Koch, Lehe, Leonard, J. Lutz, McClain, Messer, Murphy, Neese, Noe, Pond, Richardson, Ripley, Saunders, J. Smith, Stutzman, Thomas, Thompson, Torr, Turner, Ulmer, Walorski, Whetstone, Wolkins, Woodruff, and Yount be added as cosponsors of Engrossed Senate Bill 332.

RUPPEL

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, April 14, 2005 at 10:00 a.m.

FRIZZELL

Motion prevailed.

Pursuant to House Rule 158, conference committee meetings were announced.

On the motion of Representative Oxley, the House adjourned at 6:30 p.m., this thirteenth day of April, 2005, until Thursday, April 14, 2005, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives